

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**PENOVIA LLC,**

Plaintiff,

v.

**GIGASET COMMUNICATIONS INC.,**

Defendant.

Case No. 2:13-cv-776

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**PLAINTIFF’S REQUEST FOR CLERK’S ENTRY OF DEFAULT AGAINST  
DEFENDANT GIGASET COMMUNICATIONS INC.**

Plaintiff Penovia LLC (“Penovia”) files this Request for Clerk’s Entry of Default against Defendant Gigaset Communications Inc. (“Gigaset”), pursuant to Rule 55(a), and in support would show the following:

Defendant Gigaset is a party against whom a judgment of patent infringement is sought. Gigaset was served pursuant to Federal Rule of Civil Procedure 4(h)(1)(A) on October 7, 2013, and Gigaset’s Answer was due on October 28, 2013. (See Tadlock Declaration at ¶ 4; *see also* Dkt. No. 7; *see also* Exhibit A).

Gigaset has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and no extension has been granted by the Court. Specifically, Gigaset has not filed an answer within the time allowed by Federal Rule of Civil Procedure 12. Defendant Gigaset is a Delaware corporation with an office located in Texas at 4849 Alpha Road Dallas, Texas 75244. Gigaset is neither an infant (under age 21) nor an incompetent person. Gigaset is not in the active military service of the United States of America and, upon information and belief, nor are its officers or agents now or six months prior to the filing of this case. The Court has personal and subject matter jurisdiction over this matter.

Rule 55(a) of the Federal Rules of Civil Procedure states that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . . and the fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a).

Plaintiff has attached an affidavit hereto demonstrating its entitlement to Entry of Default.

Accordingly, Plaintiff Penovia respectfully requests that the Clerk enter a default against Gigaset and grant Penovia such other and further relief to which it is entitled.

Dated: November 27, 2013

Respectfully submitted,

/s/ Craig Tadlock  
Craig Tadlock  
State Bar No. 00791766  
John J. Harvey, Jr.  
State Bar No. 09179770  
Keith Smiley  
State Bar No. 24067869  
TADLOCK LAW FIRM PLLC  
2701 Dallas Parkway, Suite 360  
Plano, Texas 75093  
903-730-6789  
craig@tadlocklawfirm.com  
john@tadlocklawfirm.com  
keith@tadlocklawfirm.com

*Attorneys for Plaintiff Penovia LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 27, 2013, to all counsel of record who have appeared in this case and are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Craig Tadlock  
Craig Tadlock